

VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE MEETING MINUTES
Library of Virginia, Richmond, VA
February 2, 2009

Attendance: VRRBAC members Read Charlton, Walter Coles, John Feild, Haywood Hamlet, Evelyn Janney, Bob Jean, Billy Martin, Mike McEvoy, and Tim Pace. State Agencies: DEQ: Greg Anderson, DCR: Janit Llewellyn

Welcome and Recognition of Members and Visitors:

Cole Poindexter, Staunton River Watch, Jerry Lovelace, VRRBAC River Sub-Committee, Bill Lindenmuth and Vernon Wilson, Lake Gaston Association, Rick Seekins, Tar-Kerr Council of Governments in Henderson, NC, RRBA Board, and NCRRBAC Coordinator, Kay Slaughter, Southern Environmental Law Center, and Katie Whitehead, Dan River Basin Association,

Approval of 7-29-2008 Minutes:

These minutes were approved.

Janit Llewellyn, Va. Dept. of Conservation and Recreation, "Green Infrastructure":

- I am with the Department of Conservation and Recreation. I've worked in the public and private sectors and I'm happy to be working for the Commonwealth now. I've been asked to talk about Green Infrastructure. I wanted to start out by saying that, I really didn't know what Green Infrastructure but I coordinated the VA Outdoors Plan and if you're familiar with the VA Outdoors Plan, it's our Outdoor Recreation and Conservation Planning Document in the Commonwealth. If you're not familiar with it you can get to it on the internet at the below address: http://www.dcr.virginia.gov/recreational_planning/vop.shtml I did bring some discs if you don't have high-speed internet at your location, you might want to take a disc home with you. We have a section in there about Green Infrastructure and I'm going to give you a little bit of an overview about that today. It's an inter-agency topic as our agency is working with the DEQ and some of the other state agencies on it. However it's more of a local and regional topic which is why I think it's pertinent to what you all are considering.
- How many of you have heard about Green Infrastructure or kind of know what it is. It's kind of a new term and it's got different definitions. I'm going to give the definition we're working with. Does anybody want to take a stab at what you think that we're going to be talking about? **Read Charlton said it's an attempt to cut down on our carbon footprint and the use of other sources of power other than coal and petroleum. It's energy conservation, of course. Right. It's a part of it.** Right, that's a part of it. **There's something in the paper about almost everyday.** Right, it's really becoming a common term, I think with our new President and some of the new things the new Federal Administration is doing, the carbon footprint and that part of Green Infrastructure is more of a focus. When we started several years ago we were talking more about the land

mass itself. So, the terminology that I'm using is going to deal less with the carbon footprint because my background, just so you know, is, I'm a landscape architect by training and have worked as a planner. So my focus is land oriented, but that's kind of what in the VA Outdoors Plan we've taken more of a land perspective on Green Infrastructure but certainly the other perspective is something that is all related and that's kind of the cool thing about. **Bob Jean asked if they had some spots on TV about, about this with Governor Kaine speaking.** I have to say that I don't watch TV, that's a terrible thing to admit to, but I have 2 children and I've never allowed cable in our house, so I don't know, I haven't seen those spots on TV, so I really can't say. I think there's a growing interest within VA and I think we're one of the 1st states to address Green Infrastructure in our Outdoor Recreation and Planning venue and within our conservation efforts in VA too. Did somebody else in the back want to comment on Green Infrastructure or anything? **Jerry Lovelace replied another component of the bill I think is this, one component is the use of recycled materials to the greatest extent possible in the building construction and the recycling of air, heat, cooling, etc. within the building itself.** Right, right. So with that, that's more of an energy-type thing and it all relates. I'm going to be talking more about the landscape and Green Infrastructure and how the landscape relates to Green Infrastructure. So, in my presentation, see if I can get this to work properly, so what I'm going to do today because I wasn't really sure where everybody was going to be with their understanding of Green Infrastructure, so I'm going to keep it kind of basic but so you have a general understanding of what we are talking about in VA and the VA Outdoors Plan and in some of our interagency, working with the different agencies, talking about Green Infrastructure. I'm going to define how we are defining Green Infrastructure, the principles and concepts of it, and some of the Green Infrastructure projects that are being implemented and managed in VA and throughout the state and particularly in your area. I don't have a lot of detail on those but I could get you more detail on those later. Also I will discuss what it means to assess an area's Green Infrastructure and how that assessment process might relate to some of the other work that this Committee does. Then I want to point out the strategies for assessing Green Infrastructure resources at the local level. Because that's really, as we all know, I've worked at the local level, that's really where things happen.

- **Haywood Hamlet announced the arrival of Chairman, Mike McEvoy, Billy Martin and Evelyn Janney.**
- So Green Infrastructure the way we have defined it in the VA Outdoors Plan and some of our materials is it's an interconnected network of natural lands and open space with the purpose of conserving eco-system values, those values that are important to the livelihood and the business and everything that we do and provide benefits to our human population. So that's kind of, that's how we're defining Green Infrastructure and how we've defined it in the VA Outdoors Plan. So in the VA Outdoors Plan this was, it's our, the Commonwealth's conservation,

we connect three things together. Conservation, outdoor recreation and open space planning and we address those issues in the Outdoors Plan.

- The Outdoors Plan, if you're familiar with it, is not a regulatory document, it's a guidance document. We provide a lot of information in the document and we, in the back of the document we break the Commonwealth down into the different regions, so we break it down by regions so you can see what the resources are in each region and kind of go to your section. So, like I said earlier, if you don't have access to high-speed internet and do want a copy, I'll leave some copies of the VA Outdoors Plan on CD here for you. So, this was the 1st time, this Plan came out in '07 and this was the 1st time that we incorporated Green Infrastructure into that planning process to kind of connect the outdoor recreation and conservation links together. It does a good job because Green Infrastructure talks about active and passive activities. This is a copy of the Plan and we talked about the 3 major themes and the CD. The reason we put, we decided this time in the VA Outdoors Plan to put Green Infrastructure planning in there is because we felt like it was such an important uniting theme. In the Plan you'll find an overview and definition of what we in VA are talking about Green Infrastructure being, why it's important and some of the existing planning that supports Green Infrastructure. Some of the things that we're all already doing in all of our localities that already support Green Infrastructure. It's not really something new. It's something we've been doing for a while. We're just kind of appointing a new term to kind of bring it all together. So that's the good thing, because if we're talking about something new then that costs a lot of money and this is something that we really have been doing comprehensive planning for years, this is just another way to look at our comprehensive planning process and to integrate some of these ideas into that process and there are localities that are, as I'll talk about later, that are already starting to do that and we'll look at tools for implementation and then the economic value. Green Infrastructure and looking at your green can actually save you lots of money in the future, by not having to do other things.
Read asked where was that photograph on the right taken? I really am not sure, I pulled a lot of these from contributions across the Commonwealth for our other VA Outdoors Plan and I accepted those with gratitude and I'm trying to cite who took that one, but it looks like I didn't on that one. So I don't know, sorry. I wish I could say I took all these photographs, but I didn't.
- So assessing Green Infrastructure, what does that mean? We're talking about looking at which lands, which landscapes to conserve, where we should permit development, where to construct roads and utilities to serve that development while saving that green space. how to bring together divergent interests, we all have different interests, we all have different needs and how can this planning process bring that together for the community so that we build consensus within the community, we all get what we want, we have good economic return and we are not paying more than we need to sustain our environmental quality.

- Now, I'm going to look just briefly at some of the things that are happening across the Commonwealth with Green Infrastructure and whose doing the Green Infrastructure approach, who's linking the lands and the communities using this approach and where is that happening? One of the places is in the New River Valley, this is happening at the planning district level and it began a couple of years ago and they had a couple meetings. I've been to several of the meetings up there and they're taking a strategic approach. They're looking at what each of the localities and what the different representatives want and they're bringing them all together around the table and talking about what this could mean to their locality and they're doing that at a regional level but they're focusing locally. So, I haven't been to one of their meetings in the past year, but I did go to several of them a couple of years ago when they first got started and I know that they're moving forward and they've got some regional staff working at that level. At the Thomas Jefferson Planning District, they're working with area localities within that district as well to implement Green Infrastructure planning. Hampton Roads took a different approach, they did the planning using GIS and then they did the outreach. So unlike New River Valley who is doing the outreach first, Hampton did the work and then they're taking that out to the localities. So there're different ways the different regions are dealing with looking at these resources. The Green Infrastructure Center is a non-profit Center, and is working with 3 projects that I know of right now, they're doing some field study projects to show examples of how different localities and how different levels of government can work with the localities to do Green Infrastructure. They're working with Madison County, the Richmond and Crater Planning Districts are working together, and then they're doing a project in the City of Lynchburg. I've got photos of each. The Madison County project, as I know it, is complete now. That was a single county and from what I understand from Karen Firecoff, Executive Director of the Green Infrastructure Center, that it was a very successful project and they got lots of interaction from the community and they have that as a part of their locality adopting it. Many people are putting Green Infrastructure into their comprehensive planning process and I believe that's what Madison County did.

Read Charlton asked could you tell us about the habitat cores listed in the slide? Is that similar to conservation easements? Green Infrastructure usually will identify the habitat cores, but it doesn't necessarily mean that a conservation easement will be put on that land. It's just making that identification, if you've got, like, a concentration of those habitat cores, then when you do the mapping, if you're going through this process, it would show up. But it's not necessarily saying put those in an easement. Although, if the land owner wanted to do that, they could do that. That's up to the land owner. **Walter Coles asked is that like a concentration of wildlife habitat?** It can be. In the process of doing Green Infrastructure planning you would look at those types of things and you would look at where the habitat was. Then you would say, oh, well this is great habitat, so would it make sense for us to put roads and schools and you know, that kind of thing here or would it make sense for us to conserve a portion of this habitat so it can stay, it can have it's integrity over time? That's what it allows you to do.

Read said like wetlands. Like wetlands. It would, when you go through the

planning process you would identify the important factors like the wetlands, where the rivers were, where the forest lands were that were undisturbed and those types of things. **Bob Jean asked who would make these kinds of decisions, would this be up to the locality?** Absolutely. **The thing that concerns me is, say I represent a small town in a rural area, somebody in Richmond or somewhere . . .No. . . . decides this is nice for a green area . . .** No. **so you don't need highway improvements, you don't need . . .No.** All of our decisions, I mean, I'm, as a State employee this is something that we are giving away, it's a good idea to look at what your green is because it can save you money in the end, if you, you know, keep a certain amount of green. But it's up to each locality and each jurisdiction as to how they manage their land. **Would that be a countywide decision?** It'd be the county or the city, whoever the jurisdiction was that had, because we have the City of Lynchburg that's one of the projects that we have cited here and that's the City doing the project. So that's, no one else is driving that project. **So a Board of Supervisors has that authority.** If the County decided they wanted . . . for example, in the county where I live, I live in Chesterfield County, it's a big county and they have a large planning staff, they're getting ready to update their Comprehensive Plan. So, they've decided to incorporate Green Infrastructure into that planning process. But that's at the county level. They also are coordinating with the regional group at the planning district commission level but the planning district is not telling Chesterfield County what to do, they're just a part of that coordinating group and Chesterfield basically going to the meeting saying, we're thinking about doing this and we're putting this in our comp plan. But that regional group's not telling them what to do because they can't. **Read Charlton asked does it put any restrictions on the development or change the status for the planning commission?** Not unless the county or the city would like to put restrictions on, it's still all up to the locals. What this process does is outline where the resources are and then gives, you know, the counties and the cities are still doing what they've always done and doing whatever they want to with the information. This process is just outlining what's there. **Richard Seekins stated yours is guidance not regulation.** Yes, right, it's guidance. Thanks. **Tim Pace said I'm assuming that this program would be in conjunction within the State, like wetlands and riparian areas, they're already protected so would the Planning Commissions just be just adding to that?** Since this is not a regulatory, this is like an option that counties and cities can use, this is not regulatory at all, I mean, it's, a county doesn't have to incorporate Green Infrastructure Planning into their Comp Plans, they only have to put in the Comp Plans what's in our legislation and Green Infrastructure is not written into the legislation. It's just a way some counties and some cities are approaching planning. **Bob Jean stated supervisors could though and one concern to me is you have a large county, you have one end of the county that's pretty powerful and they have the votes and the power structure so to speak and they decide that your in a county that's not very developed would be a nice green area, so we won't make any efforts to develop your end and we'll continue to develop where we are and you'll be left out in the cold. That's the concern that I have, being from a small rural**

end of the county. That's probably why it's left to the locality and not to the region and state. **Read asked how effective can that be, I mean, if you can't implement these are as?** Well, it's cost effective in that when you save the water quality for example, you're not paying, you know, this process helps you to figure out where that watershed is and where the critical areas are, then that watershed that's going to provide that water is going to be a source for the development that you're planning, can be maintained so that over time you don't have to pay more money for water or go somewhere else to get water because you're building in the way to protect that water that you need for development. **Bob Jean asked is that water study going on as part of this planning?** Within a region or locality, if they were doing a Green Infrastructure Plan, it could be and should be the water, any water study that . . . **There is something in our area regionally.** So if somebody was doing a Green Infrastructure Planning Process in your area then someone in the community should say, 'They're doing a water study here and this water study needs to be part of this' because water's key to anything, any development or not development, it's key to everything we do.

- Well, so some of the other areas just so that you'll have an idea of whose doing what with this topic. If you have questions, these guys can probably answer at the local level. I mentioned Richmond and Crater were going together as 2 regions and then within that I mentioned Chesterfield was picking up the idea of Green Infrastructure to put into their planning. New Kent County is a rural county and they have decided that they want to look at it when they are updating their Comp Plan. That is they want to look at Green Infrastructure as a component of their Comp Plan. It's like I said before, it's something that they're doing anyway, they're updating their Comp Plan and this is something they're adding to it. The City of Lynchburg, I'm not that familiar with this project, but I know last summer the Green Infrastructure Center launched a project there and they're looking at a City level at some of the Green Infrastructure principles and in a more urban setting. So I know that they're, we've got some samples across the state if it's urban or rural and then we've got some projects going.
- Let's talk about the economic benefits of Green Infrastructure. Why do we even bother to even think about Green Infrastructure and this type of planning process? What difference does it make? Well, it makes a difference for storm-water management. It says here, there is an 8 to 1 dollar savings over manmade flood control. If you have a natural filter, and we see this all the time, if you have a natural filter that works, the natural environment will always filter things better than something that we do with a storm-water management pond. It just happens that way. We know that, we see it. We see storm-water management ponds have to be repaired and all of that. So what this is saying, this is going to save you money if you preserve the right land to begin with that can do this naturally for you, then you don't have to build the storm-water management to the degree that you might if you build now. And supplying drinking water, we've already touched on this. This is key, this is key to us, to all of us living, water is key. It says 105 of the world's biggest cities rely on protected forests for drinking water.

That means that they're getting their water from a source that's protected with forest and so forth around it. So, that's Green Infrastructure around their drinking water in those areas. It removes air pollutants, you know, we all know that green kind of helps our air quality and that's another benefit. So these are all economic benefits. We look at them, we tend to look at them as environmental benefits, but they're really economic benefits because when we don't have these benefits and we don't have these things naturally, we're paying for them. We're paying for them another way, either in water quality, cleansing, you know, treatment for the water we drink or in some other way, we're paying for these, these things that nature does naturally.

- So, some of the ecological services that Green Infrastructure offers are it enhances the water resources and provides recreation and health and education benefits. A lot of folks, when they have Green Infrastructure as a part of their planning, plan out their recreation activities which helps with tourism. So, you know, you kind of get a two-fold benefit. Green Infrastructure also enhances community appearance and provides a connection to nature so that all of our wildlife and water species can migrate as they should through natural systems. It also increases the property value and provides free low cost natural services like we were talking earlier such as water treatment. It provides that on a cheaper basis because you're not paying for it to happen. It contributes to our quality of life and our economic well-being in all of our communities when we have green. **Read asked for a small county such as Charlotte County, which has 12,000 people, would your organization come down and explain this economic savings, how to make the county more receptive and attractive to people to come and see what they have?** We could do that. We could work with your planning district. I can't remember which, are you in Southside? It is **Commonwealth Regional now**. Sure, we could work with them to do that and work at a regional level like that. We prefer to work, because we don't, I'm working at a state level and, you know, in Richmond you know nothing, I mean, you really don't, I mean, seriously, because you're not in the loop. I've worked at a local government, I know. You're not in the local government so I would prefer to connect with somebody that was a little bit closer, so I would connect with the planning district and be happy to do that.
- So some of the strategies, which goes back to, you know, the strategy we have for assessing Green Infrastructure and I mentioned a couple times, putting Green Infrastructure into your comprehensive planning process. This is something every locality has to do anyway, so it's something you can add to that process. You can add as little or as much as you want to and each locality decides what they're going to do, if anything. They may just do their comp plan like they've always done it, that's fine, but this is an option for a different way to address our natural resources development and some of the economic values of those things. **Tim Pace asked with this being fairly new, are you seeing localities using this as a tool for economic development as you've mentioned storm-water quality and that's a big issue with DCR now? That is do you see areas or communities**

using this as a tool to say to prospective industrial clients we've got these filters in place so you don't have to worry about your own site water quality issues or is it too early in the game? It's kind of too early for me to really say whether it would be. I actually see Green Infrastructure, because I am a landscape architect, as being a part of economic development, you know, it's a part of the way we could do economic development cheaper if we protect the green, but you've got to protect the right things. You can't just protect to protect. If you're not protecting the right things, you're not going to protect your water quality. You've got to do it smart and if you do it smart, then, yes, it can make it cheaper. But I think it's too early to tell. So, some of the other strategies are to use state resources and mapping. Our department has a lot of basic mapping information and a lot of localities usually take it and refine it, to be honest with you, because it's at a state level. But, they use it as a start and so we've got some mapping resources and a lot of the localities have excellent, excellent mapping resources. Some of the smaller localities, like Charlotte County, are probably looking to the planning districts for some mapping resources. So when developing an action plan for connecting Green Infrastructure, some of the key issues that may be raised, we're starting to hear more about our climate change, and yes, I'm not talking about climate change, but Green Infrastructure can impact climate change one way or the other because of the green part of it. So that's something that I'm not quite sure, I haven't seen the local governments address that in their comprehensive plans, I'm not, I haven't heard that any are just yet, but it may be something that's coming with the discussion that is happening about climate change. So, I mention that because it is something is related to Green Infrastructure, but it is not the key issue that Green Infrastructure is addressing so.. So, how can localities do this? I mentioned incorporating into the comprehensive planning process that's going on already is one way. Looking for grant funding and partnerships, that's why we're seeing the partnerships between the different localities within the different planning districts because they're forming partnerships and they're going after grant funds together to get some of this work done. So, they're different ways to get the funds to do the work. And consider working at the regional level, I'm going to be talking about that, and going across jurisdictional boundaries to come up with a concept. But that doesn't mean you're giving up your local authority to make local decisions, you're just teaming with them to get the planning work done. And that's pretty much my introduction to Green Infrastructure, I'll be glad to address any questions if I can.

- **Jerry Lovelace said this is not a question, but rather a comment. I'm on the Executive Board of the Rural Planning Caucus of VA, which is a land-use planning agency, and kind of to address Mr. Paces question, we've talked about Green Infrastructure at our last 2 conferences, we've had sessions on that, it is becoming more and more prevalent and where it seems that the rural counties, the focus does tend be, as you have so well put it, working through comprehensive plans and their development and their amendment. Counties across the State some do very heavily go into it, some touch upon it**

lightly, and I think the key issue though is by addressing it in your comprehensive plan it gives you a foundation to build on should you choose to. Because the comp plan, again as you talked about earlier with what you're doing, is not a regulation, it's not a policy, it's a tool. It's there for guidance only. Through your comp plan and subsequently through working with your zoning and subdivision ordinances and other ordinances and regulations that deal with land use, you can do overlay districts, you can do corridors you can do things like that, that can protect watersheds, protect your wildlife or flora and fauna, unique to areas and that kind of thing and by so doing, it goes right into what Green Infrastructure is supposed to do. Exactly. So it's something that is becoming more and more prevalent, I think, across the state and has some tremendous benefits there and again, as you so well emphasized, it is a local decision. Right, thanks for that perspective, because that's what I thought was happening.

- **Kay Slaughter remarked people here might want to just look at Albemarle County's website because there's, and I was, we were trying to remember the name of it, there is a national group that's working with counties and Albemarle now has some initiatives and I'm sure it's on their website, and Albemarle and Charlottesville are working together. Charlottesville through the national conference of Mayors on the climate change issues. The two things cross over with Green Infrastructure and I'm sure if you go on Albemarle County's website they could find some information.** Yes and we're, at DCR, trying to build our website a little bit to be, to include some things like that, so, I appreciate that comment Kay.
- **Tim Pace asked when rural counties are going through their comprehensive plan, the organization that you said offers help is who? Do you have a contact?** I do. The best thing for me to do is to give you one of my cards and I'll stay for a few minutes, you know, afterwards and then just email me and I'll email you their contact information, I can't store it all up here. So, I'm happy to do that. Actually, at the State level, that's what we tend to do best. Try to gather information and then pass it along to folks, so I'm happy to do that.

Uranium Mining:

- Mike McEvoy said the next topic we have up on the agenda is uranium mining and I know some of you had gotten some questions about this issue. I think everybody understands that there's a potential for a mining operation in Pittsylvania County and there is another advisory commission of the General Assembly, the VA Coal and Energy Commission. It actually has a Uranium sub-committee that has been looking at this issue and the discussion about having a study done as to whether or not uranium mining can be done safely in the Commonwealth. Right now there's currently a ban on that mining. So, I know some of you have got some questions about that and if this is something that our Committee would take an interest in. So I decided to put that out in the agenda.

Greg tried to round up a speaker from the Coal and Energy Commission to see if they would come and give an update of what they had done so far and I guess we were unsuccessful, given today is the last day before crossover, everyone's pretty busy here in Richmond. So, we don't have a presentation for that topic, but I do want to open up to the Committee Members. I do want to recognize Walter Coles has an interest here, so Walter, if I could, just prevails upon you to not participate in the discussion. I guess what I really would like to get from the Members is this a topic that we want to further investigate or defer to the Coal and Energy Commission.

- John Feild said excuse me, my laryngitis might cut me short, might make it difficult to understand me but, down in the Clarksville, Chase City area, down stream from the proposed mining operation, the emotional hysteria hasn't quite set in. Some of us serve on different committees down there trying to keep a finger in the dike and let the science drive the outcome. There has been a push to get a position established by town councils, by the City of VA Beach, by the Town of Chase City and so forth. Some of us want the decision to be science-based, at the same time, they looking for some input out of our Committee, the VA Roanoke River Basin Advisory Committee. We're hooked on the horns of a dilemma in that they point out that Walter is part of our Committee and they perceive no action by our Committee as being in deference to Walter. I think Walter and the conduct of his deliberations with our Committee have not let uranium mining become an issue. I think it behooves us to recognize the fact that Walter has not tried to influence the deliberations of our Committee in any way or aspect because that suspicion is resting out there in community. At the same time, it behooves us to get knowledgeable on the subject matter and therein I think because it is becoming such an emotional issue in portions of the basin that we attempt to get respectable, reasonable, science-driven presentations before the Committee at the earliest convenience and not wait another quarter before we re-convene. There are other issues that are paramount or of equal importance that need to be discussed before the Committee that are not even on the agenda today and I'm sure, if my voice holds out, that they will get discussed. I would say that this is an important issue and that we do need to look at it, we do need to get up to speed on it. There are elements that have made presentations before the Roanoke River Basin Association which are emotion-driven and are trying to set and establish parameters for VA Mining or the latest version of, same, I'm not up to speed on it, Walter, what the latest, consolidation is called, but they're trying to set parameters that are unapproachable, unreachable, unreasonable, such as identify 5 or 10 sites where in mining, open-pit mining is taking place within the immediate area or in the US where they have the same topography, where they have the same amount of rainfall or, on and on. I dare say there's probably not 5 uranium sites in the US, but, mining sites are currently in operation but, the hysteria and the emotional side is out there and trying to get cranked up. I'm sure that some of the concerns are valid or at least have a valid basis, but we do need to get up to speed on this issue and Mr. Chairman, I would strongly suggest that we look at establishing a future meeting in the not too distant future dedicated to

this subject. **Mike replied alright.** Read Charlton said I would support that John.

- **Bob Jean asked is the General Assembly (GA) going ahead with their study or are they going to have a study or not have a study? I see that battered back and forth.** Kay Slaughter said if I could just speak to that and not any of my own opinions about it, but just, this Coal and Energy Commission Sub-Committee is the one that's looking at the study and the members have said to me that they are planning, because most of them are Delegates or Senators, they are planning by mid-March to have the parameters of the study. So if you wanted to weigh in on what the parameters of the study is, would be, you might want to try to have a meeting before that time, to get your information because that is my understanding. Delegate Ware was supposed to be here today, he was saying yesterday, you know, he just didn't see how he could be because of everything that was happening but, I think that's probably what he would have told you and encouraged you to give him, to give them input because they are looking for that. **Read Charlton asked are they planning on doing some core drilling to determine the value.** She answered no. At this point, this is just a study committee that's trying to set up the parameters of doing the study itself. So, they are trying to decide what they're going to study and how it will be conducted. When they have this meeting in mid-March, which is what they're shooting for, they may not make that, but that's what they're shooting for, they hope to bring the sub-committee together, they've had a couple of hearings and gotten some input and they hope then to be sitting down and saying, here's what we think we want to do and so, it might be, for timeframes, it might be good to try to get someone before that time so you could get information and have time to weigh in.
- **Rick Seekins stated I'd like to make a quick comment. Having a meeting to me would be very helpful. I'm very concerned that the folks on the NC-side of the Basin are woefully uneducated about this. I would hope that we could also, as we get into a Bi-State meeting and talk about and start to get into some education especially your colleagues on the south side of the border. The NC GA is in its long session, they've got some really interesting discussions going on with budgets and stuff, and they're going to be there until July or August. It would not be unreasonable for us to assume that we would educate our commission, our side of the Advisory Committee structure, let them develop a recommendation in terms of an action by the NC Assembly, GA, to support what you're looking for and that might give it a little more oomph. So, in and above doing something to help definitely deal with your House of Delegates and GA, if we can do some stuff on the NC side, we'd love to do it. But we need the education to start with.** Chairman McEvoy asked is there an upcoming meeting of the NC committee scheduled? **Yes, I was going to talk about it, but, we're hoping to have a Bi-State commission meeting by the end of March.** Bob Jean remarked the only thing I can see that this Committee could do at this time is to urge the GA to have to have a study. It seems from what I've read that there's some argument over whether

you should even have a study or not and I think, you know, I think most of us would like to see a study here from the experts and we could urge that.

Chairman McEvoy asked anyone else? Read Charlton asked if a study were to be done, would that be funded by the State or would that be a private? **I guess I'm seeing right now that the funding would be private, privately done, but, I don't know . . . anybody have the latest on that? Alright, I guess I'm hearing the consensus here is that we schedule a future meeting probably sooner than we typically would have for our next meeting. Have this and maybe invite a couple speakers with different viewpoints in the kind of format that we've had before with other topics and see if we can get up to speed. Richard, I think, maybe we'll try to coordinate with the NC group. Is that acceptable to everybody?** Haywood Hamlet replied yes we probably won't be able to get much discussion at the next meeting but if the meeting it might be good concerning the uranium schedule to bring the issue back to the table as well.

Read asked Kay Slaughter are there legal, as I'm sure there're a number of legal aspects concerned with this mining . . . And that's part of what the study will show, all those things they look at the scientific but they will look at that too. Again, that's what people are trying to give them now, the Committee. There's going to be a study, this is the group that's chosen to be the vehicle for the study, not the GA setting up a Committee, but this Commission and this Commission has a Sub-Committee, this is pretty much the way this study 20 years ago went through a similar structure. **What was the purpose of that?** 20 years ago? It was to, it was the same issues. **Could you comment on the results of that?** Well, actually you could probably look at that study, you can get that off of the Legislative Services website, it's about 20 pages long and I'd be glad to send somebody a link to that and maybe all of you could look at that report. **Bob Jean asked how many years ago?** That was 20-some years ago. **I was going to say, that technology probably wouldn't apply.** It hasn't. I think you'll see it's the same issues but then if you get somebody current to come and talk to you, it would give you the background to know about the history and what objections or whatever were then and then you'd have a meeting . . . **Read said but that study didn't involve a mine or uranium did it?** Yes it did, that's what it was on.

Cole's Hill? Well, it was, Cole's Hill was one of the projects, but it was a different company and they were looking throughout VA, but, yes, Cole's Hill was back then. **Katie Whitehead said it was then called the Swanson Project.** Jerry Lovelace stated that went for, that even went up into, at that time, it went up into even Orange County. **Billy Martin asked did you say the technology hasn't changed that much in 20 years?** Well, I think you'd want to hear, that's what I would say from my perspective, and there might be others who could say there haven't been. There is a new way to mine it but it's generally been thought that would not be appropriate for this site, but there may be differences of opinions on that and that's probably what you'd want to hear if you have discussion. But I think if you read this background paper then I think it would be helpful and I'll be glad to, you know, I could give that to your staff person who could send it out to you then. **Read Charlton asked can you get that put in a website and then pull it that way?** Yes, you really can if you go into the

Legislative, I'll just tell him, if you go into Legislative Services and then it says Reports and then you just go into the report and I always forget the year it came out, but, so I always do a search 'Uranium' and it turns it right up. **Katie Whitehead said '85 was the report?** Chairman McEvoy said alright, alright, well we'll go ahead and coordinate a meeting on this topic and get some speakers **Jerry Lovelace suggested one possible resource for you for information, at the request of Delegate Hogan, the Halifax County Chamber of Commerce put together a group to come up with study questions, they didn't say pro or con but that these are the things that need to be looked at. Somebody from the Halifax County Chamber Commerce may be a resource for you there in providing information.** Kay Slaughter remarked they've got a detailed report also that you could probably get. I'm pretty sure it's online, but you could probably get hard copies of it, 'because it's, and several legislators have told me that they thought it was, who are on this study committee, that it's an excellent report. **I'll try to get that contact and information and if it's online or not I'll try to get that to Greg so he can send it out.**

Proposed Legislation:

- Chairman McEvoy said, looking at our agenda here, next item up is proposed legislation and Greg tells me that lunch should be here by 12:15, so why don't we try to knock this out. I know there are a couple of items that aren't on the agenda that we need to talk about today. I've got 2 or 3 we need to add and if you've got some that need to go on there, we need to amend the agenda and get them on there, but I've a got few things come up at the last minute here that I think we need to talk about. With regard to the legislation, Greg sent out a list of a number of items that we typically had, would look at, it looks like it's a big Year for both storm-water and renewable energy, a number of Bills in both. We're almost mid-way through the legislative session this time and in the interest of time I'm not going to go through all these but, if any of the members have a particular Bill they want to point out for our consideration, I'd be happy to hear that now.
- **Rick Seekins stated Mr. Chairman, one of the reasons you are seeing a lot of storm-water legislation is there are Federal requirements being put in place and there are modifications that are taking what used to say they have to be a small property and now a much bigger territory being covered so they're being required to create this stuff. So I don't think it's an issue of whether they're going to do it, it's which one to pick. So it's probably a good thing to look at.** Yes and I noticed some of them that are targeted that giving the localities a little more time. I know localities in my area with the downturn in the economy are finding that money for new regulatory programs is a challenge. **There are a lot of non-profit groups that have the opportunity under the Federal Law if they want to take the steps to require a small town do this. They haven't done that yet but have that option in some of these Federal Laws. They can make life unpleasant for a lot of small towns. The quicker they get ready the better off they are.** Anyone else have a comment on the

legislation? You know, generally we get a request from some of our legislative members of the community to take a look at something in particular, but this year we haven't really received any.

- **Haywood Hamlet said Mr. Chairman, I see a lot in here on biofuels. Maybe John can briefly tell us what's going in the Chase City area with the plant?**

As I understand it, Haywood, Osage Development, Osage, the company that was going to do the ethanol plant outside of Chase City, the economic climate is such right now that they have taken it off the front burner and deferred action. There's discussions still going on about the pipeline running from the intake down on Lake Gaston by way of the Roanoke River Regional Service Authority back to Boydton and then over to Chase City. They're still pursuing the possibility of grants to accomplish that pipeline which would definitely benefit Chase City and the environs thereof by providing an infrastructure for economic development regardless of whether the project by Osage is pursued. So, it's on hold at the present time but, Chase City Town Council did pass a chemical trespass ordinance which in effect was pointed toward Osage and the releases and returns of their treated effluent back into Blue Stone Creek which feeds Kerr, into Kerr Reservoir. So it's hard to get a reading on what is taking place over there because the Town Council changes and the view of the individuals change with every change but it seemed to be a boon in some respects to Chase City by creating jobs and a source of revenue for farmers. The discussion, of course, got into whether food crops or livestock crops were going to be converted to biofuels thereby taking, making it more costly for the farmer to feed his cattle and then so forth and so on. And so therein I see even legislation introduced to the GA about certain food stocks going to biofuels and wanting some regulation and I didn't get into in any depth, but that particular project is on hold until the financial climate changes. **Read Charlton stated excuse me John, it was my understanding the ethanol plant was based purely on corn?** No, they weren't going to use corn they were . . . **Barley.** Barley, yes. Well, we're not going to use corn so, that part of the concerns goes out the window but, it would almost create a new market for the farmers in that there's not that much barley being grown in the area at the immediate time. So, as we convert from tobacco maybe that's an alternative crop. **Is it economically feasible to go in and fertilize and plant all this barley and at the same time** Read, I wish I had the answer. I'm sure any number of people could weigh in with far more intelligence on the matter than I can but, it's a debate that's ongoing and whether the energy efficiencies of developing biofuels and the amount of energy consumed and the whether that comes out on the plus side or not. So there are umpteen debates raging and it depends on which side of which debate you want to get on so . . . **Chairman McEvoy pointed out that Delegate Poindexter actually introduced 2 Bills that along those same lines. They were expanding the definition of biomass and also renewable energy and I think he was looking to get more options available for, especially for, like, manure management, things like that, conversion to methane. I think one of them made it through Committee to cross over and the other got killed so, which, you know, I guess that's probably pretty**

successful for the GA so, anyway. Any other issues on legislation, I know it's not a hot year for us? Jerry Lovelace remarked I think what you're just talking about needs to be looked at in the context of a much greater impact potentially. I mentioned earlier the rural planning office that I was on, Senator Whipple gave an address at our conference back in the Fall and what she was telling us is that the GA, some of the GA members, in terms of alternative energy sources, biomass, etc., is possibly envisioning a series of biofuel facilities and whether they burn corn, barley, switch grass, wood chips, whatever, you know, strung along Southside VA. It's not rocket science to know that all of those types of facilities are huge water users. So, I think what you're talking about here with the Osage plant is just the tip of the proverbial iceberg of what may end up all across the southern tier of the State. So, you're focusing on that, again I think is one of the key things this Commission was established for, you know, is to look at that kind of thing and again, just points up that VA's kind of behind the times in establishing a coherent water policy statewide that these types of industries, you know, need to be a part of, you know, as they look at this type of development. So it's a huge impact potentially, you know, the best of all possible worlds where you have these small generating facilities, you know, are great but again, the water impact, you know, cannot be underestimated here or over-estimated I should say, 'because it's, there's a lot of impact that you may be looking at, particularly in this basin. **I guess along those lines, I'm also on the State's Water Commission and we had a meeting last month and Water Supply Planning was the topic. I think we've had this topic here before, where Scott Kudlas has come and talked to the group, he was providing an update to the Commission, most of the localities, larger localities that did not participate in a regional plan and there was just a handful of those, have started turning in their locality plans. However, almost the entire state, I think Scott was pleasantly surprised, is, has decided to organize into regional plans, so most of the state is looking at regional water plans. Those aren't due until the 2011 timeframe, DEQ is doing some preliminary work to start putting those plans together but, as mentioned, we really don't have a coherent statewide water supply plan and in all likelihood until all this data comes in from the localities, probably won't have something in that timeframe until 2012. So, the state is working on it, but it's really dependent on some deadlines that the localities have to meet and I know, in our case, we're actively working on our plan, but it is a good step but it's taking some time.** John Feild stated well, I appreciate Jerry's comments because they tie in to something that we're going to get into later on, it was emphasized in Janet's presentation the value of water and it is the basis of most of economic development and quality of life issues and so forth and after all, we're formed on the basis of the Roanoke River Basin so, we have an affinity for the water within our Basin and it's going to come to the fore in further discussions. Jerry your comments were very timely and appreciated.

- Greg stated there are a few bills here that I just want to point them out to you so you can look at them if you're interested. We've discussed, you know, conservation easements and the land preservation tax credits, and there are several

bills on those topics. There is also a bill, rather than purchase of development rights there is one on leasing of development rights. We had a presentation on that a couple of years ago. And then there are a couple on biosolids and sampling of sewage sludge and also one on invasive species. **Yes, I think the invasive species one was probably a positive one in that they would consolidate activities into DCR, I think would be responsible?** It's under Natural Resources. **There have been a number of different state agencies that have been addressing invasive species issues and there really hasn't been a coordinated effort and this would kind of consolidate responsibilities there. Unless anyone objects I'd like to kind of break in the agenda here and we'll give Richard his opportunity to give us an update since lunch isn't here yet. I will say, before Richard starts talking, that I did have a, I think some of you are aware there was a bill being floated before the NC legislature, kind of revamp the way the Bi-State commission would be organized and the membership of the NC advisory committee. The patron of that really wasn't aware that she was the patron of that, that was actually the outgrowth of another committee in NC that was looking at streamlining committees statewide and because she had been the patron earlier on for the original Bill they assigned it to her but we talked and she agreed that should be tabled at this time because it really wasn't appropriate for one state to move forward without some coordination with both committees so, I think that issue kind of got put to bed.** Richard Seekins remarked she has said that it'll never be raised until we make a recommendation. If I could ask the Chairman to have a bit of leeway, I wear a couple of hats and I want to try and go back to something quick and mention a couple things before I talk about the NC group. In terms of the biofuels, I just want to make two quick comments. One of the biggest issues we're dealing right now is the economic driver of all this is that we're being asked to look at biofuels in competition with using those fuels for food. And we're getting into energy versus food issue. I mean, 5, 6 years ago corn was \$4 a bushel now it's \$9.50 because they're so many people eating it up for ethanol that it's not available for food. We've got some private sector folks that are working very, very hard and we have one in my region in particular that are trying to develop enzymes, industrial enzymes, that will be able to do some cellulose breakdown and they claim that their this close. If there's a breakthrough industrially where they can take any kind of grass or wood or non-food products and use that as a source for biomass or biofuels or biodiesel, you're going to have a tremendous press very quickly to start dealing with that issue and the water things that come out of it are going to happen. And that could happen in 6 months, I mean, I've got a company called Novozymes in Franklin County that they're spending \$25 million a Year doing nothing but trying to develop cellulose enzymes and they keep claiming they're real close. So I don't think that's going to happen immediately. I want to mention something about what Janet said because I'm from the NC equivalent of a planning district commission. We're very fortunate in our group as my job is actually Economic Development and Community Planning. Our group has taken a policy that says, Water conservation and river basin planning is an economic development issue, that's why I work on it.

There're a lot of groups that don't do that, but we are required at various levels and locally and regionally and county-wide to do comprehensive planning which we've talked about. Keep in mind where also almost all the PDC's, especially the rural ones, are economic development districts designated by federal EDA and as such are required to create an economic development strategy every single year. You've also now created world planning organizations to do transportation planning. You're seeing in this legislation more and more water quality planning issues. One of the challenges we have to try to get them all to work together. Everybody has in mind, and especially folks like you, that you've got issues of conservation and green space that you want to try and deal with. The trouble is how do you integrate them into RPL planning sets and all these other things you have to do. The best advantage that I see, and I'm really excited, I hope I can take one of your disks with me, I think that DCR has been very pro-active in terms of creating a mechanism for organized development of green space conservation and development, giving it some economic foundation that you can use to integrate that stuff into all those other plans. I think that's the best thing you can do with this kind of stuff. It by itself doesn't have that value, but in its ability to help you deal with all those other pressures, it's a tremendous resource. Now I can, thank you, I've now gotten off my soapbox. You can see that working with Roanoke River Basin is killing me and we had two meetings of the NC Advisory Committee and we're moving ahead with it and we've talked about having a Bi-State commission meeting. The chairs of our groups which are designated in our law, they aren't elected, they're actually designated by the law, made a decision early on that they needed to have all 6 of their legislative people attend a Bi-State Commission meeting and that's when we started talking in November about a Commission meeting that was a great idea we were going to move ahead and get a meeting in early December or January or whatever it was. You can't get all 6 of those guys in one room all those folks in one room at the same time. I'd be really happy to say that I've talked with Lucy Allen, the Co-Chair this week and they've come to a change in policy that says we are going to try and schedule a time in conjunction with Greg and with you folks, a Friday or a Monday that hopefully, our GA is usually not in session on Fridays and Mondays. If we can have, I think Fridays a good way to do it. If we can set up a joint meeting on a Friday of the Bi-State Commission, I know I've got 3 or 4 of my state legislative members will be there and I know my 3 non-legislative members will be there, we're going to set up a meeting and go with it. Hopefully we can coordinate it and get a meeting going. We have talked tentatively that somehow coming to Henderson if we're going to have folks from all the way across the basin both states try to find a center point somewhere. If we're going to have a meeting and some folks have to travel far enough maybe we need to do it somewhere near enough to motels that you can stay overnight if you want to. We'd be happy to host it in Henderson. We can try and do that if we can. Interestingly there has been created, we never knew this, a budget item in the NC budget to support river basin planning and they created \$50,000 for all the 18 river basins in the state so at first glance it looked like it there is not going to be nothing. Well you know what? There are only 2 active river basin organizations in our state right now, us and one other.

So, I've talked to the folks in Raleigh and they said, well, you know, if guys can find a way to use some money for the cost of Bi-State meeting, maybe we can help defray some of those costs. So, on our side we could set some kind of meeting up and hopefully get the State to help us pay for it. That's something that I'm hoping we can get going. Our biggest trick is getting a date that works for everybody but I think, if I'm looking at the 16th or 23rd of March is a Friday or something like that, I don't even know if those are the right dates, but . . . March 13, 20, 27. I'm trying to find a place sort of central in the state. I don't really care if we do it at Smith Mountain or down in Plymouth, from one end to the other. But we got to find some place sort of central as a starting point. Our guys desperately need this to get going and I think, from what I understand, you folks are pretty interested in getting something going from your side too; so, hopefully this'll be the beginning of what I really hope will be a good partnership. **John Feild stated well, the Corps of Engineers has deferred action on the tabled request from Raleigh-Durham pending the deliberations of the Bi-State commission so that's another driver that behooves us to go ahead and take action because the federal government is waiting for us to take action and they're setting up the development of our commission as a model for the rest of the country so, we do need to act.** Chairman McEvoy said yes, the Corps staff, John and I and a few other folks were up in Washington a few months back and they were very adamant that they weren't really going to move forward with any requests on Kerr Reservoir without some interaction between the states so . . . Rick replied but I think you're going to start seeing some very strong pressure from your Raleigh and Durham folks especially, and given the fact that a lot of the staff of those State agencies are coming out of Wake and Durham County, you're going to see a lot of pressure. They can only hold them off so long. We've got to be able to start moving quickly. **Haywood Hamlet asked about the NC Bi-State membership.** We have 9 members, 3 from the House, 3 from the Senate, 3 at large. **I guess, the other thing, just to make it clear, I know that Mike and John and I are on the Commission, is this going to be, I mean, your new Board is not going to be there other than your 3 members, like this board, the old board wouldn't be going right?** Chairman McEvoy replied well, I was going to suggest that maybe we entertain that if someone would like to attend that's on the committee, I mean it's a public meeting, so if anyone would like to attend. **Rick said I'd like to have a Bi-State commission meeting but, I would think that members of the advisory, especially the VA Roanoke River Basin Advisory Committee, that you folks are, spent a lot of time getting to that day and you're going to want to see it happen 1st time and would suggest we keep it open and I know my folks are feeling the same way, I'd love to see this as a local meeting. But I want to get some idea where we are because I don't want to set up a room, I got a meeting room probably this size, if it starts to get big and big and big we'll have to find another place but I don't think we will. I'd love to be able to say we have so many people coming we just can't hold them, we got to go bigger. So far that's not been an issue.** John Feild said even though we're at the Corps offices there, I think they could accommodate about 75 in that meeting facility. **Well, the only thing, the only**

reason I, we really talked about Henderson is the fact that we do have motels. I mean, we've got a Hampton Inn right there off of Exit 212 of the expressway that's, that has a nice meeting room and will accommodate us and that's very handy. Read Charlton asked if the Corps hosted it where would that be. Probably at the Visitor's Center, right off of, right outside of Boydton and right next to Kerr Lake Dam. I mean you could take a walk at lunch and walk on the dam. I'd just as soon do it there. And I don't know how many folks would be coming, if we'd need lodging, you know, if we've got 2 folks that are coming from between NC and VA that need lodging, let's do it at the Visitor's Center and we'll find a place for 2 or 3 people. You guys could sleep on the floor of my back room. Chairman McEvoy said alright, how about this, how about we have Richard and Greg coordinate on date and then they can finalize the location, whether it's Henderson or it's the Corps facility. I guess one thing we need to ask the Corps, if it's available, that would be helpful. So probably the 20th or 27th? **That would work better for us. March 20 or March 27.** Thank you Richard.

- Couple other items that had several members talk to me about adding to the agenda that we'll take up after lunch, while waiting for lunch to be set up. There's a renewed interest in an intake on the Dan River and some changes to how the river might be classified. I understand there's some interest in carp. Some of the lakes, apparently there have been some programs to add carp for weed control and I guess people are fishing or possibly over fishing. **Bow Fishing!** And then 2 of the members sent me an update on the upstream/downstream issues on SML, so we, kind of update on that. **Any other issues that? John Feild stated Inter-basin Transfer Requests and Permitting Processes, some new wrinkles have come out Richard shared with us and that needs to be on the agenda.** Anybody else have anything else to add? Otherwise, why don't we take a break and then get lunch and then we'll reconvene in a few minutes.
- **Tim Pace said Mr. Chairman, before we break, for the new members, like myself, would you explain the set up between the Bi-State commission and the role of our committee, just maybe for me.** Sure. The way the legislation was originally envisioned was that there would be a Bi-State Commission with I guess on the VA side are 3 citizen appointees, NC has talked about varying that number, but originally it was envisioned as 3 as well. And then each state would have an advisory committee, which is for us this committee and that's made up of a number of members both elected representatives of districts that overlap the Roanoke Basin in VA, as well as appointed members that are nominated primarily by the PDCs. There are also 2 at-large members. So, we have been meeting, you know, as you are aware for a number of years and formulating positions and just kind of getting to know each other up and down the basin and the idea of the advisory committee is to both provide assistance and direction to the Bi-State Commission members when they meet with NC, it's counterparts; but, also to deal with any issues that are referred by the GA for action. There has not been too many of those, but I think we've probably sent more stuff than they've

requested information on. That is really kind of the point of the committee, is that the committees act on a state level to help formulate positions in the respective part of the basins and then the Bi-State commission is the vehicle for the two States to talk to each other. **Rick stated that the NC side that is identical in structure except for the at-large members. Conceptually one of the best purposes for having this kind of group is that the folks way up in the NW end of the basin and folks down in the south east part of the basin don't understand each other's problems and need to talk more and more. What ends up happening in this, almost unintentionally, is almost all the stuff in this end of the basin is in VA and almost all the stuff at this end is in NC, so beyond the fact that there's a Bi-State issue, there's also the issue of the west, the middle and the east of the state have to get used to talking to each other and trading issues. You know, uranium mining is a huge issue in the west end of the state. I don't think the folks in the central part of the basin understand the possible impact on them or the east end, 'because ultimately it could have impact. The whole up and down basin concept is really critical in terms of education and information exchange and sort of getting a strategic unity in terms of going to GA's for laws. And I think that's worked, that concept has worked well because, man, I know more about Kerr Reservoir and Lake Gaston than I ever knew before I got on this committee. Read**

Charlton asked Mr. Seekins has the NC Bi-State commission and the VA Bi-State commission, have they ever had a joint meeting? This'll be the 1st one. Greg and I did attend one of the NC advisory committee meetings recently, unfortunately it was also like a monsoon going on that day so we were a little late because the rain was, they had like localized flooding or something but, but we did, I think it was their 1st meeting? So they, our counterparts on the NC side are meeting, getting started and everything. But they certainly don't have the history. **Tim Pace remarked the reason I even asked, getting, I won't say pressure, but questions asked by the board of directors from the, our local PSA and I want to be able to explain it to them in terms that there're going to understand and that I'm correct on how it was set up and Greg was nice enough to send me the original documentation that set up this committee and the commission, so I just wanted to make sure I understood our role. Yes, I think it's fair to say our 1st couple years, you know, we, things were kind of slow and everything, but, I mean, recently we've been involved in some fairly big topics and continue to be. Rick added I think it's also important and from our viewpoint it's really important to get this going for a selfish reason of my own. We have 6 different equivalents of PDCs that have representation on our board. I got 2 of them don't even appoint members 'because they just don't understand what the issues are. You know, once we get these groups going on, all of a sudden some lights are light up above people's heads and we're going to start seeing more active involvement. I've got one at the extreme west end of the basin in NC that just couldn't care less if they ever have representation on this board and they're only a few miles from some pretty important stuff going on in the west end of the river basin. The more we can tell them, the more likely they are to, and educate them, the more**

likely they are going to start getting involved in this. That'll give us, you know, the strength in numbers that we need and it gets the local folks understanding. We can preach all we want, but if I've got a guy up in Surrey County, NC and he's got an issue that's going to impact on him, if I go up and talk to him, he couldn't care less; but, if another person in Surrey County talks to him it'll be a much better impact.

Proposed Dan River Intake at Milton

- We don't want to keep everybody here too late today so, we added a few items right before the break so, let me cover the Dan River Intake issue real quick and Greg's going to help me with this one. If you recall, back in I guess about the 2003 time frame, we actually had a meeting down in the Danville area where this issue had come up and essentially it's the Town of Milton, NC, was petitioning for an intake, as I recall Milton is in the Roanoke Basin but a portion of their service area was not, so it's kind of a mixed, there would be some, some flow that would be taken out at outside the Basin and some would stay inside the Basin. I think we heard a presentation from Barry Dunkley of Danville who, they had some concerns about the removing the water how it might affect the City of Danville's ability to do wastewater treatment. They were worried that that would lower the flow, have some effects on a similar capacity so, we kind of looked at this issue again I think back in 2003, hadn't really heard much about it until this recent email and I'm going to let Greg give you the details on the email here.
- **Alright, I don't know all the details on it right now either but apparently the consulting firm working for if I recall Person and Caswell Counties and Yanceyville. They've apparently scaled it back and they want to do 12 million initially and up to 22 million in the future. As I recall it from 2003, there's going to be a couple million gallons per day that was going to go out of Basin just because of the physical location of the county and so forth, but the rest of it, and this is the problem with it, is that it's going to be put back in the Hyco Basin, which comes in roughly 30 miles down stream and it bypasses the whole Halifax County/South Boston area. At that same meeting back in 2003 we had Barry Dunkley from City of Danville there and they have a big concern with it from the standpoint of waste simulation because Milton's like 10 miles below their outfall. Another thing I think South Boston may also be looking at expanding the wastewater treatment plant so that could be another issue. Jerry Lovelace said that's part of South Boston's concern and the other part is water supply. Chairman McEvoy remarked we don't need to make a decision on this issue today. I think it's one that we want to research some more but, again this one's kind being re-visited. Milton is inside the Basin and it sounds like the majority of the use probably is. I don't know, maybe this is a good topic, Richard, maybe for our one of our Bi-State Commission meetings is to handle, how to handle these kind of issues when they come up. Rick replied there is an interesting side piece to this, although it is not totally relevant now. One of the issues that came out of this was**

all the water that was being put into this Co-Gen plan and I'm going to say they were taking, like, 8 million gallons a day to cool this place and it was like 800 yards outside the Roanoke Basin. Then they were going to take like 4 million of waste and put it back and they were having something like 4 million gallons of water evaporate every day and that caused all of the NC environmental folks all kinds of fits because there was only ½ the water that was being taken out of the Basin was being put back in and so they had a whole set of requirements on how do you handle disposal of water that you don't put back in and they couldn't dispose of it because it evaporated and it just sort of make their whole regulatory system stop. Fall apart and they've been going back through, so there's been a whole re-definition of inter-basin transfers down there. **I'll say, NC has a little bit more formal process on inter-basin transfers than VA does, we really don't have regulations one way or the other, other than, I guess, someone tries it and then they have a fight in the court system. That seems to be our method. In NC there actually is a procedure where if you were to take water out of one basin, the idea is you return a like quantity. Now the quality may be different but a like quantity back and so, like Richard was saying, since they were evaporating ½ of what they were taking out no one was really able to handle, how to handle that piece but . . .** John Feild remarked well, NC has a caveat in their regulations where you can take up to 2 million gallons per day in an inter-basin transfer and it's not inter-basin transfer so . . . **And it that now kind of reminder for some of our newer members, we did go on record as a committee early on generally against inter-basin transfers so, just to throw that out there, so, again it might be something that we put on the agenda for the Bi-State Commission and I just wanted the members to be aware that there is some talk again about this withdrawal. I'm going to call a couple of folks in Danville. I guess I'll talk to, is it South Boston the authority down there? Yes. I'll give them a call and just see what their concerns are.** John Feild stated dewatering a 30-mile stretch of the Dan River or at least reducing the flow in a 30-miles stretch of the Dan River is bound to have some type of environmental impact and notwithstanding water intakes and the assimilative capacity of the treatment plants downstream but it's bound to be an environmental affect as well. Ideally, philosophically anybody taking water out of the Basin ought to be required to return it and have their return 2 feet above their intake. **Jerry Lovelace replied amen!** That would guarantee that what comes back in is treated to the standards that it's supposed to be. **This is a part of the bigger picture you guys have already talked about, as John mentioned earlier, Corps of Engineers not taking any action on 216 until something is worked out. They took it off the table. This is the same thing, it's a little smaller scale, but it's the same thing and to me that's what this Bi-State proposal is for, this is exactly what it's for and the only other thing I would think again alluded to what John just said, you know, it goes beyond just the wastewater assimilation, you know, water supply that's here today. Halifax and South Boston have 2 major industrial parks right there on Dan River, they don't draw directly but it comes from South Boston's plant. So we get a major economic development prospect that's a big water user, this could negatively**

impact it, and again, it also references back, as I was talking earlier about this whole spat of CoGens that may come in across Southside VA. Water's the life blood there and I guess it boils down to what Rick said talking that NC does, water is economic development. Chairman McEvoy remarked this one has a little extra wrinkle in that one state's petitioning another to make a designation on a, from a water quality standpoint so, anyway, it's kind of like, sounds like it's right up our alley and we'll do a little research for the, for our next meeting.

Bow-Hunting Carp on NC side of Lake Gaston

Moving on, we got an email regarding taking of carp, sterilized carp, in Lake Gaston Reservoir. The email looked like it was trying to drum up some support for changing some regulations with regard to that, John, have you been following this one? **I've been following it in that they are using state and federal money to introduce the grass carp, sterile grass carp, to address the hydrilla problem in Lake Gaston, they invested, was it, \$350,000 or something in grass carp. It's a significant amount that the counties and the state pitched in along with the federal government, to try to have a non-chemical green solution, if you will, to the invasive species, Hydrilla. And to accommodate bow fishing, which is a non-consumptive as far as they don't eat the fish, they just shoot them for sport with a bow and arrow and reel them in. It seems counterproductive to take the resource that you paid dearly to put in there and have it shot and removed for no other purpose other than sport, when a by-product of having the weeds removed by the grass carp is the ability to utilize the recreational waters in Lake Gaston. So, I think our committee needs to be supportive of whatever regulations that could restrict the wholesale taking of the carp. The cost of a hunting license and/or fishing license, whichever is required, to pursue this sport of shooting carp in the spring time when they are spawning, which these fish aren't spawning, it doesn't approach the cost of a single carp when you take the \$350,000 and divide it by the number of carp that they introduced. It is close to \$10 per fish that they're putting in there and I can't see where one element is supporting or condoning the taking of a resource that's been introduced to fight an invasive species.** Haywood Hamlet said I learned here this morning and I think the gentleman back here probably could enlighten us on this too, the two guys from Lake Gaston. It's illegal to hunt them in VA. **Chairman McEvoy asked do you guys want to speak to the issue?** Vernon Wilson said there was a meeting about 2 weeks, a week and a half ago, down in NC, where they were, it was an open forum discussion about the legalization of shooting carp. In VA you cannot shoot carp in the lakes or the rivers, but in NC they're allowed to shoot. The discussion, it was an open forum discussion to, for the Department of Wildlife to make a decision on making it illegal in certain lakes and we were asking that Lake Gaston be included as one of the lakes where it would be illegal to shoot carp due to the fact that we are paying money to put carp in to control the Hydrilla in the lake. I don't know that the decision, it was supposed to be made right after the meeting, but I don't know that that decision was made. That was on the 22nd of January. **I noticed the comment period**

unfortunately closed February 1st so, you know if we wanted to take a position on this and convey that we may already have missed our opportunity but I don't that it hurts to send a letter or something anyway. Rick Seekins remarked Lindley Butler from the Dan River Association definitely sent a very strong letter after we sent out our email. Bob Jean stated I wonder if you could have a special license for these people so enamored with shooting carp with a bow they'd have to buy the fish cost \$10 a special \$15 license like you would to hunt a migratory bird so, in addition to the regular license. John Feild indicated that would probably be a compromise. That's where I was going. And that might go into a fund to replenish the carp. If you could get 1 ¼ carp for every one they took it'd be a good deal for everybody. Vernon responded the problem with that because your mortality is 30% so you put in a new carp and 10 years later you don't have that many left and that's the ones their shooting they're the biggest ones. John replied, yes, the ones that eat the most. Chairman McEvoy said I think they are effective at weed control. They clean them up on our golf course. Vernon replied some lakes use nothing but carp and put no herbicides in their lakes and there are lakes in NC, SC and further south that use nothing but carp to control the issue. In our lake, in Lake Gaston, we're using herbicide and carp and you can see a difference when they, when they are stocked there is like 30% to 40% mortality rate that we've witnessed in the last 2 or 3 years. Copper sulfate is the cheap part, I mean, we use 2 different, they use cutrine as a spray and all that does is knock it back for, you know, 4 or 5, 3 or 4 months and then they use a product called Sonar which is systemic and goes down to the root system to kill it. It's easily transported by various mechanisms to other bodies of water and the cost of attacking it is tremendous and ongoing so, I just can't see how they condone the taking of the carp. Rick said I've heard lots and lots and lots and lots of people and they drive down that lake and they hit a batch of hydrilla that stops your propeller so fast you nearly go out of the boat. The mats break loose in the winter time and float then drop their, well it reproduces 3 different ways. You can do it by the vegetation cutting, the tuber spread, and some other way. It's a bad animal. Read asked where was it brought in from? Vernon replied we don't really know as it could come from boat trailers, dumped from fish tanks...it is an Asian product. years ago when I was at Kerr there was a suspicion that fishermen actually introduced it purposely because it was going to make habitat for the bass and improve the bass fishing so, there's umpteen rumors and things going around, but it is a very invasive species and easily transported and established in other venues. Chairman McEvoy asked do we want to take a position on this. And if so, I'll entertain a motion. Haywood Hamlet asked well, with it already being illegal in VA, where are we going with it? Chairman McEvoy said a resolution perhaps encouraging NC to do the same? Rick remarked I think it is a great idea but would just as soon not fight for compromise personally. I think just cut off their fishing. John replied VA Counties are contributing to the fight against Hydrilla and so even the taking of the carp in the NC portion of the lake will impact VA. VA Game Commission and the NC Game Commission meet jointly to establish the management activities and so forth on Kerr and Gaston so, whatever resolution we make could be directed to the VA Game Commission to encourage the NC Wildlife Resources Commission to adopt a prohibitive stance. Haywood asked are they being bought by grant money? Vernon replied they are bought with taxpayer's money.

Rick replied with local match so it also the lake associations and local communities. **John Feild said there is federal money's going to it too from the USACE.** There is also State and County money. **Bob Jean asked if these NC communities involved request the practice to be outlawed?** Vernon said absolutely. The five counties contribute \$116,000 a year which is matched by NC State and VA kicks in about \$200,000 from time to time. VA Beach is an annual contributor of about \$100,000 or so? **Haywood Hamlet said Mr. Chairman if it is not too late I move that we pass a resolution or whatever we need to do that this group proposes.** **John Feild with help from others suggested the following wording:** That the VA Game Commission in their coordination meetings with NC communicate VA's opposition to the bow hunting of Carp on the NC side in as much as it impacts the State and the fact that State monies are going to fight the Hydrilla. The motion was seconded and passed.

Kerr Lake Regional Water System Inter-basin Transfer Proposal

John, you had mentioned an inter-basin transfer issue that, right before the break, could you elaborate on this? **I don't know how far the email was disseminated, I got it 2 days ago and it was from Gene Addesso with the Roanoke River Basin Association and it was originally from Sam Pearsall, I guess, who is the Director of the Nature Conservancy downstream in NC. He is the Regional Manager for the Land and Water and Wildlife Environmental Defense Fund, but I think he also has another hat with the Nature Conservancy.** Rick Seekins noted Sam Pearsall retired from the Nature Conservancy. **Anyway, I understand is that there's some proposal on the table to increase within NC inter-basin transfers from Kerr Lake by 48 million gallons per day by the Year 2040. Now, this request is somewhat equivalent to the Lake Gaston pipeline. and . . .** Rick interjected that the proposal was made by the Kerr Lake Regional Water System. It's my understanding that the permitting process is now underway. In their Powerpoint presentation, which was done on the 7th of January, they had some maps and it shows the arm of Kerr Lake which is the Nutbush arm of Kerr Reservoir. The Kerr Lake Regional Water System was grandfathered in and allowed to take, I think it was 12 million gallons per day and we surfaced a document about 2 years ago wherein they were considering a request to do an environmental impact statement or study and hopefully have a FONSI, a finding of no significant impact and trying to avoid pursuing a full blown environmental impact statement which takes 3 to 4 years to accomplish. At that time the request was from Raleigh/Durham and I believe it was Cary for 50 million gallons per day which would take 90% of the remaining acre feet of water. It was going to leave about 2,885 acre feet of water available for allocation out of Kerr Reservoir. This comes along, which doesn't even take in the 50 million gallons for Raleigh/Durham and Cary. I got on the soapbox and went to Chase City, South Hill, Boynton, Mecklenburg County Board of Supervisors and the Town of Clarksville as well, trying to inform them that their economic vitality was at stake. As Bob Jean succinctly said in one of our meetings, "With inter-basin transfer what happens when the water goes, the economic opportunity goes." To have the water intake on the Nutbush arm of Kerr Reservoir it was originally designed and the application granted by the Corps and the State Water, State Withdrawal Permit to

serve Henderson, Oxford, and Soul City, which later became Warren County. The administrators of the Kerr Lake Regional Water System, at least one of them is from Oxford, has publicly stated that they ought to be selling all the water that they can 'because they wanted to push water to Creedmoor which is down here. Of course you can see the Roanoke River Basin line is right here, then you have the Tar River Basin right here and then you go into the Neuse River Basin. So, they wanted to push water to basins outside the Roanoke and of course once you are at Creedmoor you're backed up to Wake County with Falls Lake. Then there is the ultimate plan and the request from Raleigh/Durham and Cary, which was tabled, pending, well, it surfaced after 6 years, the Corps said they didn't know they had it and it came up and all of a sudden they had it, we went to Washington and got a commitment from the Corps to hold off any action until the Bi-State Commission had a chance to think about it and come up with a possible compromise or an accommodation or whatever's going to come out of the Bi-State Commission. But, you can see the demands are there and what's at stake. It's not so much the impact recreation-wise on Kerr Reservoir, because you can take the 50 million gallons for 30 days and you only impact the level of Kerr Reservoir about an inch and a half with no inflow and so forth. So, what it impacts is that the Secretary of the Army in the legislation that was put forth by Congress said that you can have 50,000 acre feet or another figure, whichever is less. For Kerr Reservoir the least amount was 50,000 acre feet of water. That's 50,000 acres of water which is about the size of the normal pool 1 ft. deep. Up to this point roughly half of the total water available for allocation has been utilized, obligated and so that left 48,880 acre feet of water still available for allocation. Our concerns in the local part of the basin was that if it was committed under the process that was in place by the Corps, 1st come 1st serve, that Raleigh's application would be the 1st one in the hopper if it was honored and granted at the full magnitude that was being requested, there would only be 5% of the initial allocation that the Congress said could be made available. The commitments for hydropower and so forth predominant over the water available for municipal and industrial water supply. Some of these things are what Jerry tried to bring to the floor this morning. But this is just further on-going evidence of the assault that is right there occurring now. They're asking for permits. We have to be meeting as a Bi-State Commission body and as an advisory committee to establish a position and we can't wait until the permits are granted. We need to be pro-active in addressing this situation because if these other alternative fuel operations come along the southern tier we're looking at tremendous demands for water and it's either going to be taken from the rivers or it's going to be taken out of Kerr Reservoir and/or Lake Gaston. It's going to be taken out of the allocation that Congress has set forth and getting that allocation process changed is practically impossible to do. **Rick Seekins interjected the request that you're going to get out of Cary Durham and Raleigh is going to dwarf this. This'll look like a drop in the bucket compared to what they're going to want to take out.** Well see, their request went back to 2002, thank you Richard, and that's before the projections and before the evident urban sprawl and the massive development that has taken place since 2002 in that corridor. Now I know the demands and the projections for growth in Southside VA pale in comparison to the demands that are inherent from Raleigh northward towards Henderson and Wake, Granville, Franklin Counties and so forth.

So, it's imperative that we address this issue and come up with a position. Admittedly right now there's plenty of water in Kerr Reservoir and we're all citizens of the US and we don't want anybody to go wanting. At the same time the very life blood and livelihood and economic vitality of Southside VA is at stake if it's obligated out and all we can do is look at it. So, I appreciate the opportunity to get on my soapbox in front of you and you been listening to me for 6 years and maybe that's how my voice got so raspy and hoarse. I been talking about it that long but, this is here, the evidence is there, and we have to be proactive and it's imperative that we sit down as gentlemen and discuss with our neighbors from NC what can be done. We talked about the pipelines returning the treated effluent back. That has to be part of the package, there needs to be part of the package that says that a certain percentage is reserved for the citizens within the basin. 40 years or 30 years down the road citizens of the basin shouldn't have to go look at the Meherrin River or the Nottoway River or the James River or some other body of water to get whatever water they need. If NC's request or the communities that have been identified is honored it ought to be on an interim basis with full knowledge that paramount importance and primacy will revert back to the VA localities if and when the demand takes place. 80 to 90% of the water originates in the Commonwealth of VA. 80% of it plus is stored in the Commonwealth of VA, yet 90% of it is liable to go south of the border. It's a federal project and you know the Feds can do a whole lot of things and some of you know they can be classified as the waters of the US. But equity demands that some part of VA be allocated part of this water so that the lifeblood and economic development opportunities for Southside are at risk. Thank you. **Bob Jean stated this remind me of the Ancient Mariner, "water, water everywhere and not a drop to spare".** Exactly. I mean, we've been blessed with the recreational benefits of the lakes and then the tourism and a lot of the communities have adopted plans that are changing their mode of operation and their dependency on tourism as a viable way of sustaining the quality of life out here. **Rick Seekins stated one of the things that John mentioned was uncontrolled growth in Wake County and Raleigh as well as the rest of the region, but I really got sort of a interesting kick this fall when Wake County School System said boy did we get a break this year, because we only added 8,000 new students this school year. That's how many students they had new people, they're getting 30,000 people a year.** Bob Jean said the school systems are really suffering too. **8,000 new kids, they were looking for 1,000 new teachers, couldn't find them. That's as much as our whole Basin.** John continued they've got the inner beltway, outer beltway, and outer-outer beltway. They've got pollution and they've got infrastructure problems, school problems, everything else. We do have a certain quality of life out here in the rural areas and I think some of us would like to attract some of that industry out into the rural areas to provide jobs and a place for our children and students that we pay to educate that have to migrate away and never come back, we'd like to get a return on that educational investment in our own locales and if we allow our water and I assume it's our water, I don't know, if we allow the water to be transferred out inter-basin transfer-wise we're never going to have anything to offer the industry. We want to accommodate those alternative energy plants. We won't be able to accommodate Osage Corporation. It's going to be on the table, I'm going to make sure it's on the

table at the Bi-State Commission. **Chairman McEvoy added I say this is probably the central topic for the Bi-State Commission.** Well that and the Milton Intake issue are going to be two of the primary ones I would think. But there are umpteen issues or we wouldn't be meeting at all. We need to get this on our agenda and develop a position for Haywood, Mike and I to carry forth because I believe the 3 of us are going to be the primary spokespeople. As Richard has indicated, trying to get the elected officials to the meetings is going to be difficult so, it's going to be 3 ole boys talking to 3 ole boys and coming up with something that we can recommend back to the states for resolution. The Corps of Engineers is sitting out there waiting and it's getting worse by the day. I mean, every time I get one of these emails with something like this in it I. **Well John, not to add to your blood pressure, but can you work up a few talking points for us for our meeting coming up in March?** I will be glad to. **Rick added Gene Adesso will.** Yes, I know Gene will. It'll be a coordinated effort and we're entering these discussions with NC not with them as the enemy. It's reasonable people sitting down with reasonable people trying to resolve some issues and I hope that you can communicate that, Richard, that is the stance that we're coming in with. I think as the impact and the importance of the water to their locales, besides the selling. I don't think the Corps ever intended that the Kerr Lake Regional Water System would be the broker of water that they are. I understand they have a pretty sufficient cash reserve built up for the sale of their water in excess of \$1,000,000 or so. **Rick replied oh I'm sure they do.** And it's prudent management of a business to have cash reserve but they're using their current allocation and the grandfathering of the 12 million gallons and they're going to piggyback all of these other little bits on to it. It's like an insidious cancer working away at you. You take little nips and little bites and once the whole magnitude of the thing is realized it's almost too late to stop. **And let me make a quick comment too. One of things we have to keep in mind is we are in a really good window of opportunity right now because there's only going to be about 3 or 4 more years before both GAs are re-districted. In NC, but I'm sure it's pretty much the same thing going to happen over here, there's a very heavy concentration of growth in the urban areas. Right now the rural areas have a fair amount of say, after the next re-districting they're going to have a whole lot less say and we in our particular part of the basin have got Chairmen of the Appropriations Committee on the Bi-State Commission and a few other folks that are pretty, have some juice in Raleigh. Now is the time to make hay while we can. If something happens and the urban areas take over the GA or some of those folks age out or a number of other things The capacity we have as the Roanoke Basin to impact on that kind of legislative policy's going to shrink. So now is the time when we need to make a move.** Chairman McEvoy reminded John to work on some points for us and circulate those around. **I'll circulate them and to be massaged and so forth but, I appreciate the fact that it's going to be a team effort. We have to do this collaboratively. Again, if we keep our comments and our posture that we're reasonable people willing to sit down and talk with reasonable people, I think we'll be better served.**

Other Business

Smith Mt. Project Update

Lastly, an unscheduled item I have is Russ Johnson, who I think some of you remember probably from our discussions last year with the Release Protocols on Smith Mountain Lake, actually has been appointed to the Committee to replace Charles Poindexter. Russ sent me an email that he couldn't be here today, but he wanted to update the Committee on the Release Protocols from SML. I think that email got sent around to everybody so we'll just hit the highlights. If you recall when we brought this issue before the Committee back in 2008 there was a kind of disagreement between the interests upstream and downstream about how much water ought to be released out of the lake. This is really tied to a permit that DEQ had to issue to AEP as part of their overall re-licensing of the project at the lake. AEP is licensed through a federal agency, the Federal Energy Regulatory Commission (FERC) and that is a long-term, decades-long license. There's also a State license they have to have to release water out of the dam. That, the State Water Control Board did consider that license in the fall, went ahead and issued that permit and they adopted something similar to, I guess, what was being called HL8 model. One of the requirements was that AEP sponsor a study to look at downstream erosion issues associated with their release from the dam. I think that both upstream and downstream agree that the current method of release was causing some problems and so there was a desire to have a study done. That group actually did meet January 15th which included a number of different state agencies and also stakeholder groups. They looked at how to assess bank erosion and recreational issues, water quality, a number of different, you know, damage to property, a number of different things and I guess, trying to outline, you know, what would be added to that study. That effort is going on. Cole, were you there? **I was out of the country, so I didn't even know the meeting was happening.** Yes, actually I didn't know until after it happened. So anyway, that effort's moving on and I think, hopefully the study will try to answer some of the questions that probably everybody had going into the permitting process but didn't.

Term Limits

We have a kind of business item, membership term expiration issue and I've got to give Greg credit for keeping us honest on this because he's been trying to get some action done on this one for a while. When we were set up as a committee we, part of the rules include a term limit, we're not supposed to have any members not to serve more than 3 consecutive terms 2-Year terms. We did have a one restart in that the original legislation was of redone a year or two later. So some people who were originally appointed were then re-appointed but the clock started again for them. However, right now 3 of us are already kind of pushing up against the end of our times. That's myself, Reed, and Robert Conner and we're kind of at the end of our 3- two year terms. I've talked to Charles Poindexter and he and Senator Ruff were going to try to get together and coordinate a legislative fix for us but unfortunately were not able to get that done for this legislative session. They've agreed to try to do that for next session and basically, as long as no one's pushing for an appointment change, I think the existing members could stay. What

I really wanted to bring to your attention is this really something we want? I mean, do we want to remove the term limit from our legislation or do you guys think term limits are a good thing. I wanted to throw that out there for discussion. **Bob Jean said as a general rule I think it's a good thing to limit, but in our particular instance that some of these people that have been here and we're just really getting into the phase of what we were designed to do to begin with, I think understand these circumstance, we need some of these people to stay on where I normally would be in favor of term limits.** Okay. Evelyn Janney stated I think he put it really well, because I'd hate to see some of our expertise gone. **Rick Seekins remarked that one of the concepts of the original legislation was that we were going to have Bi-State Commission and the Advisory Committee and then we were going to have a series of committees and boards and groups and study groups. And then that was the way we were going to maximize the involvement of folks in the basin but that was also going to allow us to start feeding up so that as people timed out you'd have new people in the pipeline to come in and fill those slots. If we haven't started that process down here or, you know, at this level of creating those committees and boards you don't have any pipeline to feed in. Until you get that pipeline in place I would think term limits are going to be tough. But once that happens I think that's a good idea.** I think part of that was tried because wasn't that the purpose of the committees that we all served on? But there just wasn't enough to keep it, keep it going way it need to. I know I've sit here and listened to John and I think it would be a disaster because he seems to have so much knowledge about what's going on, maybe the fact he lives closer in there and I'm glad that you will speak out 'because I have no idea back up where I am of all the things that's going on, I think this has been good for all of us but I'm tickled to death you and Mike and all are there that will speak out. **John Feild replied that was our initial plan when you people elected me your first Chairman. The goal, as I discussed it with Frank and the other legislators, was that we'd be up and down the basin, that we get knowledgeable on the issues in each part of the basin, that we build this cadre through the subcommittees and so forth that we'd feed the pipeline. The grinding of 6 years with no apparent fruition or success kind of wore down our committee attendance and participation and it actually started to wear on this committee as far as attendance. A number of us were ready to throw in the towel and then all of a sudden NC finally decided that this was something worthy of pursuing and now they're invigorated and ready to run and we had just about run out of gas in our tanks. But there's a lot of knowledge out there, there's a lot of individuals, and I'm like Bob, I think we become an exclusive club if we don't have turnover and new blood in and people do burnout and think everybody should have an opportunity to participate. That being said, I will acknowledge that this probably, and this sounds like ego but it's not, there's not a whole lot of expertise out there that can fill some of these slots that has as much knowledge as we been able to have generate by meeting for 6 years and addressing these issues. I think it would be shame to loose that and to say, Okay, thank you for your 6 years of dutiful attendance and participation and go to pasture and we'll start over again. That doesn't make sense. Bob Jean said I think at this particular time especially we need to keep the status quo maybe. Rick Seekins stated one thing you might consider if you 3 resign for a day and get reappointed.** John said you don't know how difficult it is to

get the Governor to make an appointment. **Oh yes I do.** Chairman McEvoy mentioned Charles's suggestion was not to worry about it because by the time he and Frank could get the legislative fix nobody would probably really realize when our terms were up anyway so. **John continued the issues out there are important. The federal government has acknowledged the importance of this commission and these committees and I think it behooves the Commonwealth as well as the grand state of NC to put their best foot forward because we're going to get first whack at this stuff and the job we do is going to set the stage for not only these 2 states but a number of other states.** Tim Pace remarked it sounds like we like the structure of new blood coming in, what's the possibility of re-setting the clock again? We did it once, it's been done before, if the Bi-State Commission is just getting formed, re-set the clock, that gives you 6 years to get the new blood in here and I don't know if you want to serve 12, 12 years or not. **Rick suggested the first meeting of the Bi-State Commission might be a good way to start that.** John replied I would think that something or some compromise close to that Tim would be the proper protocol to establish. **Chairman McEvoy said alright, so I'm hearing consensus we want to work on getting that fix done?** Rick remarked you better ask these guys if they want to continue. **Now I didn't want to give anyone the option.** Read asked Senator Rush, how would he feel about that? **Well, he and Charles have been talking about it and they had kind of talked about trying to get something in this session and it fell through, so anyway, they . . .** Jerry Lovelace asked are the legislators bound by the same 6 years? **I don't think they are.** Greg indicated it was for the length of their term of office. **Jerry continued, from the point of view of someone who's not on the commission, I think Bob's idea is very, very good. I'm like him, most things I like term limits, but I'm not sure it's appropriate for you now. I don't think I made the 1st meeting of this group, but I was at the 2nd meeting and you were still in the throes where Mrs. Janney was looking at Mr. Hamlet going, who is this guy? And you've gotten, you know, I've seen the cohesiveness come together to where you're, again as Mrs. Janney alluded to earlier, you're understanding each other's problems. I think if you start changing horses right now you're looking at a huge learning curve.** Evelyn Janney said we would have to go back through all of it.

Sub-Committee Structure

- A kind of related item is committee re-structure. I had actually thought about changing some of our sub-committees, you know, several of you have mentioned that these started out strong and then kind of faded as we kind of moved on through the years. Greg did point out to me that the original 5 I think that we have are really in the original legislation, or somehow associated with the original. **Greg said they were supposed to be but I'm not so sure that they are. I think the original legislation's a little bit different.** So, I had thought about re-structuring these maybe to make them, either consolidate them a little bit, maybe make them a little more broad and then maybe we could have some better participation, however, given that fact that we're going to maybe start meeting with NC soon I kind of maybe think that we want to wait until we have that meeting and see what interest there is, maybe participation from both states on

these committees so . . . **Rick stated the committees that are in the NC legislation are considerably different that yours. It might be interesting to let the 2 Bi-State Commissions sort of figure out how to take 2 sets of committees and get them to work together.** Exactly. I do want to make 1 change. Tim, if you're, I'm currently supposed to be the Chair of the Water Committee which is kind of a catch all one for water quality issues and Robert Conner's the Vice Chair, but I'd like to step down as the Chair of that if you'd willing to take that Chair position of that sub-committee. **Tim agreed.**

- Haywood Hamlet said this may not be the right time to say it but you are talking about Bob Conner. I've learned since I got here today from Greg that Bob has got some health problems and I think it would be great if we could all sign one piece of paper or something, do you have a way getting that to him through the email or whatever? **Sure.** Maybe attached with a card or something, but, I didn't know it until today and he's a good friend and I met him on this committee and I'm concerned about what Greg has told me today. So, if we could circulate something we could sign and you could get it to him that would be great I thought. **I will be glad to.**
- Chairman McEvoy said along those lines too, I think probably some of you will realize that Ann Austin is not here today and Ann, I guess, was a very good attendee at our meetings representing, represented Goode, I think all ya'll know didn't survive the election process, lost to his opponent, but Ann, I think faithfully, was here at pretty much every meeting we had as his representative, so Greg, if we could have the minutes reflect that, you know, she had great attendance and participation and that kind of stuff, so, kind of tribute to Ann there.
- **John Feild said she kind of set the bar for Representative Perriello's stand. We need try to get Representative Perriello involved with us because we had a knowledge base and a very strong supporter in Virgil Goode and we need to establish that with his successor.** Greg said Tom Perriello's staff person Ridge Skyler contacted me yesterday. He could not come today but he plans to come to the next meeting. I've sent him information about the committee. His staff has been in touch with us. Haywood Hamlet stated I was telling Greg this morning, if that name rings a bell with any of you I knew Ridge some years ago he worked for Chuck Robb.

Committee Reports:

- There were no Committee reports.
- Greg displayed the listed sub-committees for the Bi-State Commission. There was some discussion regarding comparability of these sub-committees with those of the Bi-State. Chairman McEvoy said right now we have agriculture and forestry which looks like #4 there. We have a lake interest group, municipal and

permit holders, river interest, and then kind of a catch-all water quality committee. So these are fairly similar to what's up there. We have 5.

- **Jerry Lovelace asked Mr. Chairman, since some individuals, some of the original members have been replaced, does the new member automatically assume committee chairmanship or on the committee of whomever they replace?** I think the assignments for those have been at the discretion of the Chair so although I think it's kind of followed that pattern. **That's what I thought.**

Future Meeting

We need to set a future meeting date. It sounds like we have something coming up in March and then again, if you want to look at this uranium issue, as suggested earlier in the meeting, we need to probably have that meeting fairly soon as well. I am willing to entertain any suggestions. I mean, if we stick to our regular schedule, we would not be meeting again until later this quarter so it would be in the April or even May timeframe. **Rick Seekins stated that if you set the April or May date you could announce it at the Bi-State meeting and perhaps get some NC folks involved to hear about uranium.** Read said wasn't there an issue about having a meeting before the Bi-State meeting that might happen in Henderson? **Chairman McEvoy replied I think that, the decision had come up that maybe we would to meet sooner just because the commission looking at the uranium issue was formulating its recommendations and so if we wanted to meet before that deadline, which was the middle of March. If we want to try to do something before then, although it may be a challenge to get all the speakers together or we could have that meeting as part of our regular April meeting as well and like Richard said, that possibly is a good opportunity for our friends in NC to attend as well to get up to speed on this topic.** John Feild remarked I envision that first Bi-State Commission meeting is going to surface some issues to be addressed at the second and I don't think anything substantive is going to come out of the first meeting but we are talking. **Rick Seekins replied I think you're going to getting to know each other and identifying some issues of where they're going would make a good first meeting all by itself.** I think that's probably what's going to fall out. We do need to be getting our heads together and huddling up, Haywood and Mike. We need to do whatever overtures you have, connections you have with the elected officials from up and down the basin who comprise 2/3rd of our Commission delegation to get them involved, that is important. The three of us need to have some support when we go to this Commission meeting. Chairman McEvoy said how about we try to make the March Bi-State Commission and again, everyone who would like attend, is welcome. Then we'll talk at our regular meeting in April. I think the Easter holidays and Spring Break are around there somewhere and I know I'm going to have a few days committed with the kids being out, so it might be more toward the end of the month. **Jerry said Easter Monday's the 13th.** Yes, so I was saying, it might be the more the end of the month. We'll let Greg send his usual polling form. The April meeting will be focused on the uranium issue. If time permits, I think we've had a lot of good discussion also about the biomass issue and associated water issues. Maybe want to start thinking about what the

water demands associated with these biomass plants are. Rick Seekins remarked the NC Biofuel Center by the way, is located in the Roanoke River Basin in Oxford. They got a nice research station there? It's at the old tobacco research station. If push comes to shove we can get someone from there who knows more about that stuff as a speaker.

Adjournment:

DRAFT